

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANGELA SMITH : CIVIL ACTION  
v. :  
STATE FARM MUTUAL AUTOMOBILE :  
INSURANCE COMPANY : NO. 11-7589

ORDER

AND NOW, this 16<sup>th</sup> day of February, 2012, upon consideration of defendant's Motion to Dismiss (Docket #4), and plaintiff's opposition thereto, IT IS HEREBY ORDERED for the reasons stated in a memorandum of law bearing today's date that the defendant's motion is GRANTED. Counts I and II of the Complaint are DISMISSED. Count III of the Complaint is DISMISSED except to the extent it seeks unpaid amounts up to the coverage limit of the plaintiff's policy.

IT IS FURTHER ORDERED that the matter is REMANDED to the Court of Common Pleas of Philadelphia County for determination of the remaining claim.

BY THE COURT:

/s/ Mary A. McLaughlin  
MARY A. McLAUGHLIN, J.